

PTO/SB/30 (08-00)
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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|------------------------|---------------|
| Application Number | 09/872,010 |
| Filing Date | June 4, 2001 |
| First Named Inventor | Dullien et al |
| Group Art Unit | 1724 |
| Examiner Name | Bushey, C. |
| Attorney Docket Number | 612.34893VV3 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on May 17, 2002
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Supplemental Response
- 12/18/2002 SFELEKE1 00000063 09872010
01 FC:1801 740.00 OP

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 01-2135 (Excess Fees)
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☒ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|--------------------|-----------------------------------|-------------------|
| Name (Print/Type) | Alan E. Schiavelli | Registration No. (Attorney/Agent) | 32,087 |
| Signature | | Date | December 17, 2002 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

| | | | |
|-------------------|--|------|--|
| Name (Print/Type) | | Date | |
| Signature | | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



612.34893VV3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: DULLIEN et al

Serial No.: 09/872,010

Filed: June 4, 2001

For: Process And Device For Eliminating The Particles
Contained In A Stream Of Fluid

Art Unit: 1724

Examiner: Bushey, C.

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SUPPLEMENTAL RESPONSE

Assistant Commissioner For Patents
Washington, D.C. 20231

December 17, 2002

Sir:

This is supplemental to the request for reconsideration originally filed May 17, 2002, which applicants now wish to have considered again in connection with the Request for Continuation Examination filed on even date.


In order to support their arguments that the flow in the separator of Britain 632,360 is not turbulent flow as in the present invention, but vortex flow, applicants are submitting herewith a copy of a letter dated July 3, 2002 from Distinguished Professor Emeritus Dullien to Mr. Jean-Paul Nguyen and the attachments thereto. Applicants request the Examiner consider the reasoning provided in the attached letter and favorably consider and allow all of the claims now in the application for the reasons set forth in the Request for Reconsideration originally filed May 17, 2002.

To the extent necessary, applicants petition for an extension of time under 37

CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 612.34893VV3), and please credit any excess fees to such deposit account.

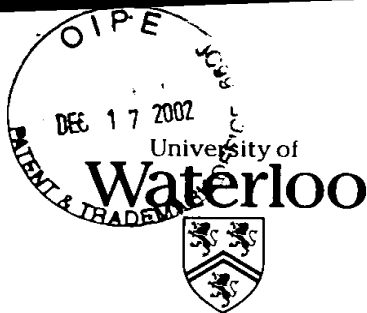
Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Attachments



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WB

July 3, 2002

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Cedex, France

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612.34893W3

Appeal Brief
8/1

N/Ref.: 3627/10/X - AR
the UNITED STATES OF AMERICA
Titre: PROCEDE ET DISPOSITIF D'ELIMINATION DE PARTICULES
CONTENUES DANS UN COURANT DE FLUIDE.
Numero de depot: 09/872,010 - Date de depot: 04 juin 2001

aes

Dear Mr. Nguyen:

British Patent No. 632,360 p. 1, lines 31 to 34: "The present invention ... reduces the turbulence of the air to a minimum ...". p. 3, lines 26 to 28: "... a gas stream entering the channel substantially devoid of turbulence assumes vortex flow ...".

The above quotes show that in the British Patent:

- (i) there was practically no turbulence
- (ii) there was vortex flow in the flow channel

Therefore, the British Patent asserts that there can be vortex flow in the virtual absence of turbulence.

In the British Patent the words "vortex" and eddy" are used as synonyms. On p. 1, lines 85 to 87: "... because of outward eddies resulting from the boundary layers of the stream of air being retarded by the wool pile". On p. 4, lines 18 to 22: "... because of vortices outwardly directed from the central or main flow through the channel and possibly resulting from the boundary layers of the stream of air being retarded by the wool pile."

The words "vortex" and "eddy" are also synonymous in Roget's International Thesaurus, 4th edition 322.2.

The dictionary definitions of "vortex" and "eddy" are as follows:

Webster's Third New International Dictionary. Vol. III.

"vortex" 2: "a region within a body of fluid in which the fluid elements have an angular velocity."

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BUILDING A TALENT TRUS

Mr. Jean-Paul Nguyen
Chief Engineer
Departement Brevets
Institut Francais du Petrole
July 3, 2002

Page 2 of 2

ibid.

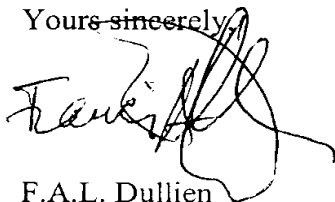
"eddy" 1: "a current of air or water running contrary to the main current; esp: one moving circularly."

The attached mathematical definition of "vortex" is from Streeter, "Fluid Mechanics", McGraw-Hill, 5th edition, pp. 74 and 419-420 (Attachments #1 and #2). It is noted that turbulence is not necessary for a "vortex". A vortex is merely rotational flow.

Photographic visualization of rotational flow (called "eddy" in this source) in the creeping flow regime, in the complete absence of turbulence, is also attached (Attachment #3) (An Album of Fluid Motion, The Parabolic Press, Stanford. Cal. 1988, p. 15). The definition of "creeping flow" attached is from Bird, Stewart, Lightfoot "Transport Phenomena", Wiley, 1960, pp. 56-57. (Attachment #4.)

Yours sincerely

λ



F.A.L. Dullien
Distinguished Professor Emeritus

FALD:dw
Attachments (4)